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The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 51/198 B of 27 March 1997, in which the Assembly decided to authorize the expansion of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, to be known thenceforth as the United Nations Verification Mission in Guatemala (MINUGUA), for a period of one year, until 31 March 1998, to carry out international verification of the peace agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in Guatemala City on 29 December 1996. In the same resolution, the Assembly requested me to submit recommendations on the structure and staffing of the Mission after March 1998.

II. Background

2. Until the adoption of resolution 51/198 B, the mandate of MINUGUA was limited to verifying the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I) and the human rights aspects of the Agreement on the Identity and Rights of Indigenous People (A/49/882-S/1995/256, annex). However, the package of agreements signed by the Government of Guatemala and URNG in December 1996 included detailed commitments on political, legislative, social, economic, agrarian, ethnic, military and public security issues, which were bound together into a national peace agenda. Consistent with the parties' requests in all the agreements signed since January 1994, it was stressed in the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex I) that international verification was essential to the implementation process and to strengthening confidence in the consolidation of peace. Thus, the parties requested that all the signed agreements be verified by an expanded MINUGUA, that the Mission's functions should also comprise good offices and advisory and public information activities and that the

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duration of its mandate should be the same as that of the timetable, namely, four years, from 1997 to 2000.

3. The implementation calendar agreed upon by the parties consists of three consecutive phases. The first phase, of 90 days, covered, *inter alia*, the establishment of joint commissions for the demobilization of URNG; the reform of justice and electoral systems; the promotion of indigenous rights; and the modernization of the legislative branch. The second phase, which covered the remainder of 1997, emphasized social and productive investment, modernization and decentralization of the State, public administration reform, rural development, fiscal reform and the restructuring of public security and national defence. The third phase, from 1998 to 2000, covered further development of the above measures, implementation of the outcome of the various commissions and promotion of broad legislative reform on issues such as the Penal Code, the administration of justice, land tenure and the multi-ethnic, multicultural and multilingual nature of Guatemala.

III. Progress of implementation

4. Since the adoption of resolution 51/198 B, the verification of the parties' commitments by MINUGUA has proceeded according to the phases outlined in paragraph 3 above. The successful implementation and verification of the Agreement on a Definitive Ceasefire (S/1996/1045, annex) was described in my report to the Security Council of 4 June 1997 (S/1997/432). On 13 June, I called upon Member States to respond generously to the appeal for funds to allow for the establishment of the Historical Clarification Commission, an independent body charged with examining human rights violations committed during Guatemala's long conflict. That initial appeal was successful, and the Commission was formally inaugurated in Guatemala City on 31 July.

5. Details of the parties' compliance with all other agreements during the first six months of peace were presented in my report to the General Assembly of 30 June 1997 (A/51/936). In that report I described the steps that the parties had taken to comply with the first stage of implementation, which provided for the establishment of the Follow-up Commission as well as the joint commissions referred to in paragraph 3, all of which aimed at broadening social participation in the process. Despite the progress made in that regard, I stressed that there was a need to promote a better understanding of the prospects offered by the peace agreements and to ensure that their benefits reached all of society, in particular the traditionally neglected rural communities. I reminded political parties that they had a special responsibility to discuss and adopt the legislative aspects of the peace agenda, in particular the required constitutional amendments. I concluded by appealing to all Guatemalans to face up to the challenges of peace-building with courage and determination.

6. The General Assembly considered my report and reiterated its full support of the peace process in its resolution 51/198 C of 31 July 1997. The Assembly encouraged the two parties and all sectors of Guatemalan society to join efforts to carry out the steps provided for in the second phase of implementation.

7. MINUGUA has continued to report on compliance with the commitments of the Comprehensive Agreement on Human Rights and to carry out institution-building tasks. On 10 September, I transmitted to the General Assembly the seventh report of MINUGUA on human rights (A/52/330), covering the period from 1 January to 30 June 1997. An appendix to the report, on human rights violations, was prepared by MINUGUA and issued in Guatemala. In its report, the Mission pointed out that the Government had, in general terms, complied with its commitment to respect the autonomy and safeguard the freedom of action of the judiciary and the Public Prosecutor's Office, and noted that both of those institutions were showing moderate signs of improvement. The Mission also noted a steady drop in the number of violations committed by public officials. However, verification revealed that there had been little progress with regard to the observance of due process and that most unlawful acts went unpunished. Similarly, respect for procedural guarantees remained erratic, and discriminatory situations persisted with regard to indigenous peoples' access to the justice system. MINUGUA also noted the participation in anti-kidnapping operations of institutions with no authority to engage in them, pointing out that even though such operations may take place in the context of efforts to counter organized crime, it constituted a serious violation of the commitment that there be no illegal security forces. MINUGUA concluded that overcoming institutional weaknesses required not only political will but also a gradual strengthening of capabilities. In that respect, steps such as the establishment of the Commission on the Strengthening of the Justice System and the creation and preliminary deployment of the new National Civil Police were encouraging.

8. I again referred to the Guatemalan peace process in the context of my report of 11 September on the situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development (A/52/344).

In that report I noted that MINUGUA was in the process of verifying the second phase of implementation of the Guatemalan peace agreements. I recalled that the second phase placed emphasis on social spending, modernization of State institutions, reform of public administration and the tax system, rural development and the restructuring of public security and national defence. I reminded Member States that the months remaining until the end of 1997 would thus be a crucial time for Guatemala, during which the parties, national institutions and society at large would have to move forward vigorously to allow diverse and far-reaching transformations to become a reality. In early 1998 I will submit to the General Assembly a progress report on compliance during the second phase of implementation.

IV. Structure and staffing of the Mission

9. As described in my report of 14 March (A/51/828), the peace agreements imposed increased responsibilities on MINUGUA. Thus, the recommendations made at that time were preliminary estimates of the structure and staffing the Mission would require to verify the detailed commitments on political, legislative, social, economic, agrarian, ethnic, military and public security issues, as set out in the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements. Every effort was made to enable MINUGUA to carry out broader verification tasks without a corresponding increase in resources.

10. In the light of the experience gained since the peace agreements were signed, an assessment mission, comprising one official each from the Department of Political Affairs and the Department of Peacekeeping Operations, was dispatched to Guatemala from 16 to 20 September to ensure that the structure, personnel and administrative and logistical capacity of MINUGUA were such that the Mission could respond adequately to the demands of the verification process until the end of 2000. After discussions with the parties, members of Guatemalan civil society, the diplomatic community, representatives of the United Nations system and senior MINUGUA staff, the evaluation mission made a series of recommendations aimed at improving the substantive and practical capacity of the Mission.

11. Following those recommendations, it was determined that minor adjustments would need to be made to the Mission's staffing and regional deployment during the biennium 1998-1999 in order to strengthen its capacity to coordinate its work, attract and retain highly qualified staff, ensure an adequate geographical coverage of the country, address all the substantive areas of verification in compliance with its mandate and ensure adequate liaison with other international institutions and bodies.

12. The staffing modifications would involve:

(a) Strengthening the Office of the Deputy Chief of Mission/Field Coordinator;

(b) Making some adjustments to the staffing of regional offices and sub-offices;

(c) Reviewing the level of the posts of the heads of the Mission's five substantive areas (human rights; indigenous affairs; social, economic and agrarian; strengthening of civil power; and resettlement and integration);

(d) Reinforcing the Mission's focal point for contacts with other international human rights institutions and bodies;

(e) Providing the Spokesman and the Department of Public Information with national officers who would serve as information liaisons in the regions;

(f) Reviewing the earlier decision to reduce the number of civilian police observers in view of the grave public security situation;

(g) Adding three officers to the military liaison team.

13. Minor adjustments were also considered necessary in the regional deployment structure in order to facilitate the access of the population to MINUGUA offices, to maximize the impact of the Mission's verification, good offices and advisory roles and its public information activities throughout the country and to achieve a more rational use of the Mission's human and material resources by limiting travel time.

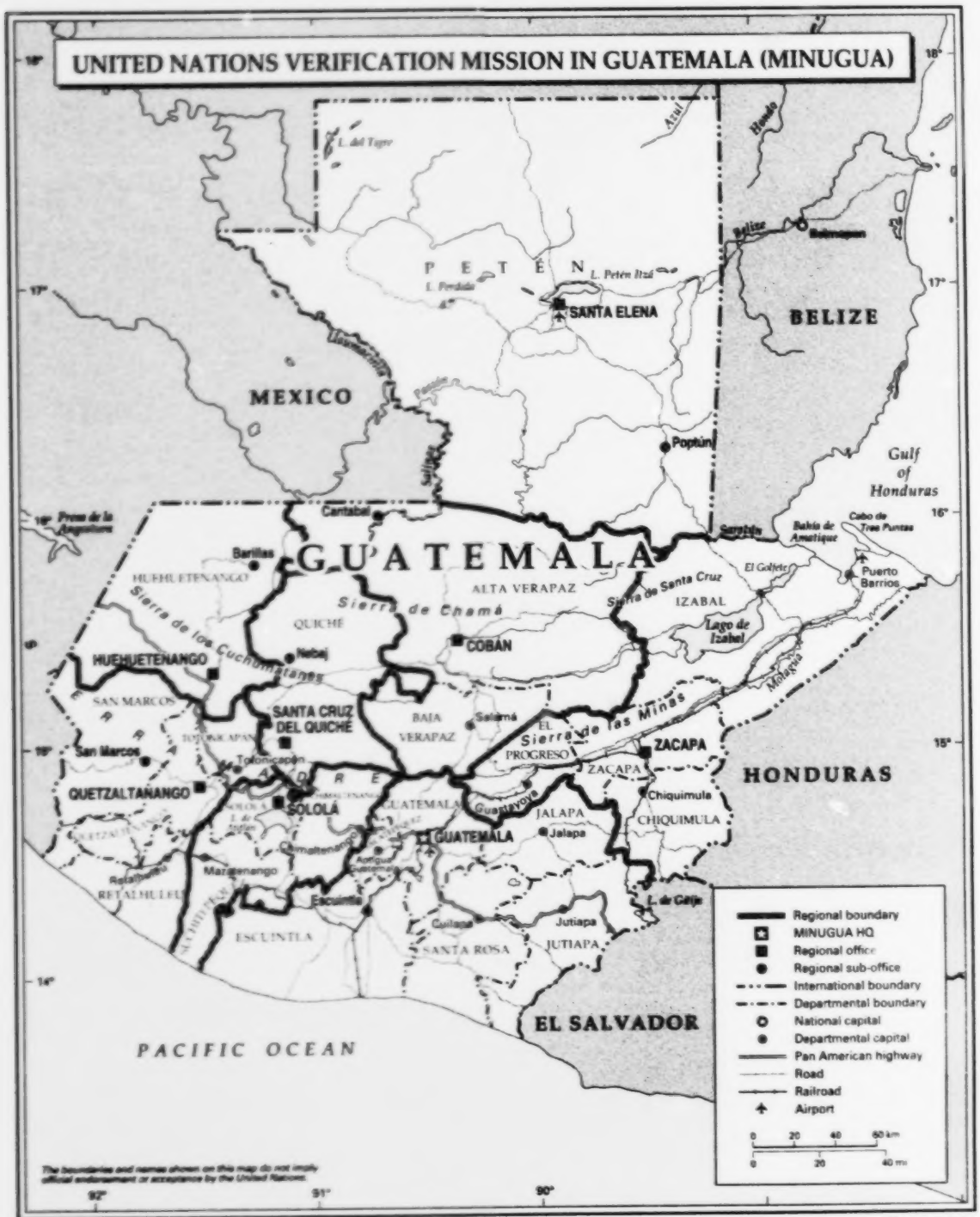
14. Taking into account the considerations indicated in the preceding paragraphs, the related financial requirements inclusive of support staff and operational costs for the period from 1 April 1998 to 31 December 1999 (21 months) are estimated at approximately $61 million.

V. Observations

15. The mandate of MINUGUA in Guatemala is a challenging one, given the comprehensive nature of the peace agreements that the parties have requested it to verify on behalf of the international community and the diverse activities it must carry out. The Mission's primary functions are to serve as guarantor of the full implementation of the

agreements and to support the strengthening of Guatemala's institutions. It also has the important task of instilling confidence in the peace process, thus contributing to national dialogue and reconciliation.

16. As mentioned above, the Government of Guatemala and URNG have stressed in the Implementation, Compliance and Verification Timetable for the Peace Agreements that international verification is essential for providing greater certainty to the implementation process and they have requested that the duration of the Mission's mandate should be the same as that spanned by the timetable, namely, four years, from 1997 to the end of 2000. That would allow for continuity in the Mission's activities and also provide an opportunity for adequate administrative and financial planning within the regular budget for the biennium 1998-1999. In this context, I recommend that the General Assembly authorize the renewal of the mandate of MINUGUA beyond 31 March 1998 until 31 December 1999, subject to regular reports on progress in the implementation of the commitments within the peace agreements, and that the Mission be provided with the resources referred to in the present report.



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